

House File 2265 - Introduced

HOUSE FILE 2265

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 2074)

A BILL FOR

1 An Act relating to the disclosure of an address confidentiality
2 program participant's address in certain legal proceedings.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 9E.7, subsection 1, paragraph a, Code
2 2016, is amended to read as follows:

3 a. Except as otherwise provided in subsection 2 and in
4 section 9E.8, information collected, created, or maintained
5 by the secretary related to applicants, eligible persons, and
6 program participants is confidential unless otherwise ordered
7 by a court or released by the lawful custodian of the records
8 pursuant to state or federal law.

9 Sec. 2. NEW SECTION. 9E.8 Disclosure of program participant
10 address in legal proceedings — protective order.

11 1. If a program participant's address is protected under
12 section 9E.5, a person shall not be compelled to disclose the
13 program participant's address during discovery or during a
14 proceeding before a court or other tribunal unless the court or
15 other tribunal finds all of the following:

16 a. A reasonable belief exists that the address is needed to
17 obtain information or evidence without which the investigation,
18 prosecution, or litigation cannot proceed.

19 b. No other practicable means is available of obtaining the
20 information or evidence from any other source.

21 2. The court or other tribunal shall provide the program
22 participant with notice that disclosure of the program
23 participant's address is sought and provide the program
24 participant an opportunity to present evidence at a hearing
25 regarding the potential harm to the safety of the program
26 participant if the program participant's address is disclosed.
27 In determining whether to compel disclosure, the court or other
28 tribunal shall consider whether the potential harm to the
29 safety of the program participant is outweighed by the interest
30 in disclosure relating to the investigation, prosecution, or
31 litigation. In a criminal proceeding, the court or other
32 tribunal shall order disclosure of a program participant's
33 address if protecting the program participant's address would
34 violate a defendant's constitutional right to confront a
35 witness.

1 3. Disclosure of a program participant's address under
2 this section shall be limited under the terms of the order by
3 the court or other tribunal to ensure that the disclosure and
4 dissemination of the address will be no wider than necessary
5 for the purposes of the investigation, prosecution, or
6 litigation.

7 4. This section does not prevent the court or other
8 tribunal from issuing a protective order to prevent disclosure
9 of information other than the program participant's address
10 that could reasonably lead to the discovery of the program
11 participant's location.

12 5. This section shall apply to a participant in an
13 out-of-state address confidentiality program substantially
14 similar to the address confidentiality program established in
15 this chapter.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with
18 the explanation's substance by the members of the general assembly.

19 This bill relates to the disclosure of an address
20 confidentiality program participant's address in certain legal
21 proceedings.

22 The address confidentiality program was established in
23 the office of the secretary of state (secretary) for persons
24 who are victims of domestic abuse, domestic abuse assault,
25 sexual abuse, stalking, and human trafficking. Under current
26 law, information collected, created, or maintained by the
27 secretary related to applicants, eligible persons, and
28 program participants in the address confidentiality program is
29 confidential unless otherwise ordered by a court, released by
30 a lawful custodian of records, or under certain circumstances
31 relating to public safety. The secretary assigns program
32 participants a designated address (a post office box) to which
33 all mail for a program participant is sent. "Address" means a
34 residential street address, school address, or work address of
35 an individual, as specified on the individual's application to

1 be a program participant.

2 The bill provides a person shall not be compelled to disclose
3 a program participant's address during discovery or during
4 a proceeding before a court or other tribunal unless the
5 court or other tribunal finds there is a reasonable belief
6 that the address is needed to obtain information or evidence
7 without which the investigation, prosecution, or litigation
8 cannot proceed and there is no other practicable means of
9 obtaining the information or evidence. The court shall notify
10 the program participant that the disclosure of the program
11 participant's address is sought and provide the program
12 participant an opportunity for a hearing to present evidence
13 regarding the potential harm to the program participant's
14 safety if the program participant's address is disclosed. In
15 determining whether to compel disclosure, the court or other
16 tribunal shall consider whether the potential harm to the
17 safety of the program participant is outweighed by the interest
18 in disclosure. In a criminal proceeding, the court or other
19 tribunal shall order disclosure of a program participant's
20 address if protecting the program participant's address would
21 violate a defendant's constitutional right to confront a
22 witness. Disclosure is limited under the terms of the order by
23 the court or other tribunal to ensure that the disclosure and
24 dissemination of the address will be no wider than necessary
25 for the purposes of the investigation, prosecution, or
26 litigation.

27 The bill provides that the court or other tribunal is not
28 prevented from issuing a protective order to prevent disclosure
29 of information other than the program participant's address
30 that could reasonably lead to the discovery of the program
31 participant's location.

32 The bill also applies to a participant in an out-of-state
33 address confidentiality program substantially similar to the
34 program established in this Code chapter.